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SUBJECT: THE WAY FORWARD ON UNMEE

¶1. This is an action request. Department requests action addressees in London, Paris, Moscow, and Brussels, to approach host governments, as UN Security Council (UNSC) Members, to discuss our proposed way forward on the UN Mission in Ethiopia and Eritrea (UNMEE) and a potential follow-on UN presence relating to the common border between Ethiopia and Eritrea. Department requests USUN to do the same with appropriate UN Missions in New York. Drawing on points below, Posts and USUN should emphasize that in its current form, UNMEE can not play an effective role in the region, while emphasizing that there is no prospect for the operation do so in the future given the current limitations imposed by Eritrea. Posts and USUN should also underscore that the U.S. will continue to press for a UNSC resolution terminating UNMEE. However, Posts and USUN should note that we are open to establishing a follow-on UN presence in the area if both parties agree to it, and if they demonstrate a serious commitment to actively cooperate and engage with such a presence. See discussion elements in paragraph 2. For an extensive background on the crisis, see paragraph 3.

¶2. Posts and USUN should draw upon the elements below in discussions with host governments or UN Missions.

Begin discussion elements.

- Express our disappointment that the UNSC has not been able to move to a resolution terminating UNMEE. Underscore that in its current configuration, UNMEE can no longer execute its mandate, and for all practical purposes is inoperable in Eritrea.

- Highlight that the UN and troop contributing countries (TCCs) to UNMEE have been waiting for an affirmative action by the UNSC, and that in the face of abusive acts by Eritrea on UNMEE personnel, and the negative precedent Eritrea's actions could have on other peacekeeping operations and countries, willingness to contribute to UN Missions in the future, it is irresponsible of the UNSC not to take quick action on UNMEE.

- Emphasize that we will continue to press for a resolution terminating UNMEE. Note that we are open to the idea of a follow-on UN presence, including a presence that would be only in the territory of one party, if it can legitimately serve a purpose and successfully execute the elements laid out in its mandate, and if the party/parties agree to fully cooperate and engage with a new UN presence.

- Stress that the UNSC should also request the Secretary General to consult with Ethiopia and Eritrea on how the UN could most effectively support normalizing relations, facilitate implementation of agreements they have entered into (specifically the Cessation of Hostilities Agreement and the Algiers Agreements), and what UN presence, if any, they

would accept on their territory. The UNSC should also be actively engaging in discussions on a potential follow-on presence, particularly consideration of a realistic configuration and mandate.

-Stress that the UNSC must acknowledge that there can be no follow-on mission if the parties do not agree to fully cooperate with it. Highlight that even if a follow-on presence is not immediately established after the termination of UNMEE, the option to create a UN presence in the future is still a possibility if the parties agree to it.

-Emphasize that we do not believe that ending UNMEE would automatically terminate the Algiers Agreements, but that we understand the parties may point to UNMEE's termination to justify claims that they are entitled to renounce their obligations under the Algiers Agreements. Note that we will continue to urge them to respect their commitments in the Algiers Agreements, and will urge the UNSC to continue to do so as well.

End discussion elements.

13. Background

UNMEE is a Chapter VI peacekeeping operation first established to monitor compliance with and facilitate

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implementation of the Agreement on the Cessation of Hostilities of June 2000, an accord between Ethiopia and Eritrea that ended the 1998-2000 war. This agreement was followed in December 2000 by the Algiers Agreement, in which the parties agreed to several steps to resolve issues that divide them, including the boundary dispute. The Agreement created a demilitarized zone in Eritrea close to its border with Ethiopia, commonly referred to as the Temporary Security Zone (TSZ)--most of UNMEE's troops have been located there. The accord also established the Eritrea-Ethiopia Boundary Commission (EEBC) to delimit and demarcate the boundary. The EEBC issued a delimitation decision on April 13, 2002, but was unable to demarcate the boundary due to lack of cooperation by the parties. Eritrea subsequently re-militarized the TSZ, and for over two years Eritrean restrictions on UNMEE troops have hampered their movements and UNMEE's ability to execute its mandate.

Beginning in November 2007, Eritrea started refusing UNMEE permission to purchase or import fuel. The critical fuel crisis forced Secretary General Ban to begin a temporary relocation of UNMEE from Eritrea in early February 2008. Eritrea subsequently complicated its efforts to temporarily relocate to Ethiopia (as originally planned), demanding that UNMEE personnel and equipment depart through the capital city of Asmara or through the port cities of Assab and Massawa, the same points where UNMEE entered the country. Eritrea appeared to be holding UNMEE troops and equipment hostage in an attempt to force the UNSC to pressure Ethiopia to accept the demarcation decision by map coordinates made by the EEBC in November 2006, and made effective by its terms in November 2007 (Ethiopia has rejected the EEBC's approach as inconsistent with international law. Eritrea has accepted it).

Eritrea eventually allowed contractors to provide fuel shipments to the Mission, and at present, most UNMEE equipment and personnel have been withdrawn from Eritrean territory, with only a small civilian staff and rear guard remaining. India, one of the largest troop-contributing countries (TCCs), has spoken out against the treatment of its forces, who are waiting in capital for further direction from the UN. The UN claims it is waiting to for direction from the UNSC before it takes further action.

Since temporary relocation began, Belgium, which has a presence on UNMEE, has worked closely with the U.S., sharing

multiple draft Presidential Statements (PRSTs) and resolutions on the situation concerning Ethiopia and Eritrea.

Despite U.S. urging, the UNSC never took strong action against Eritrea for its treatment of UNMEE. On April 30, 2008, the UNSC did finally issue a PRST, noting that the continuation of Eritrea's obstructions towards UNMEE has reached a level so as to undermine the basis of the Mission's mandate and compelled UNMEE to temporarily relocate.⁸ On May 8, 2008 during UNSC UNMEE consultations, Belgium circulated a non-paper on the way ahead and next steps on the conflict between Ethiopia and Eritrea.

UNMEE's mandate will expire on July 31. The UNSC has yet to move towards a resolution. Belgium, France, Russia, the UK, and the U.S. are currently in expert-level consultations on a draft UNSC resolution on a way forward for UNMEE. This same group is also negotiating the text of a letter from the President of the UNSC to President Isaias of Eritrea and Prime Minister Meles of Ethiopia. The letter outlines a potential UN follow-on presence, including military observers (MILOBs) on the Ethiopian side of the border and liaison offices in Addis Ababa and Asmara.

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